



Request For Variance

State Form 51184 (12/02)

Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

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1. Individual Submitting Request:

Date: **04/ 25/ 2007**

Name: Larry Scaglione, Senior Director, Vendor Quality Assurance Telephone: (864) 597-8509 Fax: (864) 597-8200

Mailing Address: 203 East Main Street Mail Station P-9-7, Spartanburg, SC 29319 Email: Lscaglione@dennys.com

2. Person/Organization Seeking Variance:

Name: Denny's Restaurants (Linda Christ, Senior Director, Food Safety & Standards) Email: Lchrist@dennys.com

Telephone: (412) 551-4667 Fax: (864) 597-8200

Mailing Address: 203 East Main Street Spartanburg, S.C. 29319

3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (If different than mailing address): ALL Denny's locations state of Indiana (33 units – see attached list)
- Mailing Address: c/o Linda Christ, Senior Director, Food Safety & Standards, 203 East Main St., Spartanburg, SC 29319
- Telephone: (412) 551-4667 Fax: (864) 597-8200
- Person at each retail food establishment most responsible for supervising: Manager or PIC on duty at time of preparation (attached document lists the name of each Denny's Food Safety Manager overseeing each of the restaurants)

4. State how the proposal varies from each rule requirement, citing relevant rule sections by number:

(Attach additional pages if necessary)

2001(or 2005) FDA Food Code (3-501-15) Cooling Methods

Proposed procedure would be to open carton, fill with hot water at 130 degrees. Close carton, clock label and all to set at max. of 20 minutes at room temperature to rehydrate. Rotate products to FIFO procedure in cooler and refrigerate at 40 degrees or below until needed. This is the variance request.

Standard code requirement is that once hash browns have been hydrated they would need to be placed in shallow pans and at shallow depths for proper cooling, placed on ice bath and cooled within first two hours to 70 degrees or below and then additional four hours cooling to 40 degrees or below. (total cooling time of 6 hours)

5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

Study by vendor of hash brown product indicates that rehydration and cooling with the proposed procedures shows acceptable microbiological stability of the product when challenged with *Clostridium botulinum*, *Clostridium perfringens* & *Bacillus cereus*.

6. List how the proposal demonstrates the following (if applicable to the request):

- A) How the proposal differs from what is common and usual in similar industry situations:

Generally most hot foods must be cooled properly according to proper methods, but based on the current challenge study for this product, the product showed no harmful growth for the proposed practice.

- B) How the proposal is unique and not addressed in existing rules or law:

Food code states proper cooling methods used in time and temperature control and this proposed method is not addressed in the Food Code for holding at high temperatures.

- C) How the proposal does not diminish the protection of public health:

Current vendor challenge study shows no growth of pathogens. .

- D) How the proposal is based on new scientific or technological principle(s):

Attached is the vendor challenge study and methods used in that study.

- E) How the implementation of the variance would be practical:

Study shows procedures are safe.

7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:

- A.) Current proposed procedure is specifically outlined in a recipe page explaining step by step procedures to be followed. All procedural pages are in the Denny's Brand Standard/HACCP Manual and are included in the training process for all cooks and managers.
- B.) Managers and PIC's follow-up on prepping items completed by cooks on shift basis.
- C.) Restaurants are audited on an unannounced basis quarterly by corporate Denny's Food Safety & Standards Department.

8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

- A.) All (33) Denny's Restaurants operating within Indiana
- B.) All local health sanitarians and agencies within Indiana.

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.	For Office Use Only
10. Signature of Individual Making Request: __Larry Scaglione_____ Printed Name, Title: __Larry Scaglione, Senior Director, Vendor Quality Assurance, Denny's_____	